

Request for Reconsideration:

Claims 1-33 are pending in this application. Applicant acknowledges with appreciation that the Examiner has allowed claims 31-33 and indicates that claims 6-12, 15, 19, and 24-30 contain allowable subject matter. Applicant is cancelling claims 3-12, without prejudice, and amending claim 1 to include the limitations of claims 3 and 6-12; cancelling claims 21-30, without prejudice, and amending claim 20 to include the limitations of claims 24-30; rewriting claim 19 in independent form to include the limitations of its base claim, claim 1; and adding new claims 34-39 which depend from claim 20. Claims 1 and 20 are written in Markush form to reduce the cost of this amendment by avoiding additional, excess claim fees.

In view of these amendments, four (4) independent claims are present in this application and an excess claim fee in the amount of \$200 (Fee Code 1201) is due in this application. Applicant requests that the U.S. Patent and Trademark Office ("PTO") charge this amount to the undersigned's Deposit Account No. 02-0375. Moreover, in the event of any variance between the fees determined by Applicant and the fees determined by the PTO, please charge or credit such variance to the undersigned's Deposit Account No. 02-0375. Applicant respectfully requests that the Examiner enter these amendments and that the Examiner reconsider the above-referenced patent application in view of the foregoing amendments and the following remarks.

Remarks:

1. Objections and Rejections.

Claims 1-33 are pending in this application. Applicant acknowledges with appreciation that the Examiner has allowed claims 31-33 and indicates that claims 6-12, 15, 19, and 24-30 contain allowable subject matter and would be allowable if rewritten in independent form to include the limitations of their base claim and any intervening claims. The Office Action objects to claims 3 and 20 due to certain typographical errors in these claims. Moreover, claims 1-5, 13, 14, 16-18, and 20-23 stand rejected under 35 U.S.C. § 102(e), as allegedly anticipated by Patent No. US 6,905,246 B2 to Iwata et al. ("Iwata"). Applicant respectfully traverses.

2. Anticipation Rejections.

Claims 1-5, 13, 14, 16-18, and 20-23 stand rejected as allegedly anticipated by Iwata. “A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” and “the identical invention must be shown in as complete detail as contained in the claim.” MPEP 2131 (emphasis added). For the reasons set forth below, Applicant respectfully traverses.

The Office Action alleges that with reference to Iwata’s **Figs. 1-7B**, Iwata describes a swash-plate type compressor 20 comprising a rotatable swash-plate 29 and a piston 30, which piston 30 is connected to swash-plate 29 by a pair of shoes 33 and which piston 30 reciprocates with the rotation of swash-plate 29. Office Action, Page 3, Lines 3-5. Swash-plate 29 allegedly comprises a layer 10 of sintered metal impregnated with a resin. Id. at Lines 6-7; see also Iwata, Column 5, Lines 48-57 (“This porous layer . . . is provided by the steps of dispersing a copper alloy powder on each of both faces of the base member 2 and sintering it.”). Layer 10 is disposed between swash-plate 29 and shoe 33, and layer 10 is ground. Id. at Lines 7-8.

As noted above, the Examiner indicates that claims 6-12, 15, 19, and 24-30 contain allowable subject matter and would be allowable if rewritten in independent form to include the limitations of their base claim and any intervening claims. Because Applicant is amending claims 1 and 20 to include the limitations of allowable claims and because Applicant is rewriting allowable claim 19 in independent form, Applicant maintains that claims 1, 19, and 20, as amended, and the claims dependent upon claims 1 and 20 are allowable. Therefore, Applicant respectfully requests that the Examiner withdraw the anticipation rejections of claims 1-5, 13, 14, 16-18, and 20-23 and allow claims 1, 13-20, and 31-39.

Conclusion:

Applicant maintains that the above-captioned patent application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this application may be furthered by discussing the application, in person or

by telephone, with Applicant's representative, we would welcome the opportunity to do so.

Respectfully submitted,

BAKER BOTTS L.L.P.

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